

Remarks

Claims 13-21 were pending in the application. Claims 19-21 have been withdrawn from consideration by the Examiner, and claims 13-18 were rejected. By this paper, claim 13 has been amended, and reconsideration of the claims is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claim 13 was rejected under § 102(b) as being anticipated by U.S. Patent No. 3,286,539 to Loper et al. Claim 13 is directed to a method of attaching a head rest guide tube to a seat back frame having a substantially flat section having opposing sides with an aperture formed therethrough. Claim 13 includes the step of "swaging the guide tube over the flat section" to secure the guide tube within the aperture. Loper et al. '539, on the other hand, does not disclose a method of attaching a head rest guide tube to a seat back frame having a flat section. Instead, Loper et al. '539 discloses a pulley construction including a pair of dished pulley halves that are held together with a tubular hub element. Thus, the § 102(b) rejection of claim 13 is believed to be improper.

To further distinguish the invention, however, claim 13 has been amended to recite the seat back frame in the body of the claim. More specifically, step (b) has been amended to recite "swaging the guide tube over the flat section of the seat back frame". It should be noted that Applicants do not intend to narrow the scope of claim 13 by this amendment. Furthermore, it is clear from the preamble of claim 13 that the flat section is part of the seat back frame.

Rejection Under 35 U.S.C. § 103

Claims 14-18 were rejected under § 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Loper et al. '539. The Examiner acknowledged that AAPA does not disclose any of the claimed swaging steps, but argued that Loper et al. '539 teaches such steps. Loper et al. '539, however, is not directed to the

problem of attaching a head rest guide tube to a seat back frame. Instead, as mentioned above, Loper et al. '539 teaches a pulley construction having dished pulley halves held together by a tubular hub element. There is no suggestion or motivation for combining this reference with AAPA. Furthermore, it is improper to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. *See In re Rouffet*, 149 F.3d 1350. Thus, the Examiner's proposed combination is improper, and the § 103(a) rejection of claims 14-18 should be withdrawn.

Conclusion

Applicants again wish to bring to the Examiner's attention U.S. Patent No. 6,035,516, which was provided with the Information Disclosure Statement filed on March 28, 2001. The claims of the present application may correspond to claim 1, or other claims, of Patent No. 6,035,516.

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met, and that this case is in condition for allowance which action is respectfully requested.

The Examiner is requested to telephone the undersigned to discuss prompt resolution of any remaining issues necessary to place this case in condition for allowance.

No fees are believed to be due as a result of filling of this paper. The Commissioner, however, is authorized to charge any deficiencies or credit any overpayment

in connection with this paper to Deposit Account No. 03-3978 as authorized by the original transmittal letter in this case.

Respectfully submitted,

Eugene S. Dudash

By



Mark E. Stuenkel

Reg. No. 44,364

Attorney/Agent for Appiicant

Date:

2/8/02

BROOKS & KUSHMAN P.C.

1000 Town Center, 22nd Floor

Southfield, MI 48075

Phone: 248-358-4400

Fax: 248-358-3351

Attachment



VERSION WITH MARKINGS TO SHOW CHANGES MADE

13. (Amended) A method of attaching a head rest guide tube to a seat back frame having a substantially flat section having opposing sides with an aperture formed therethrough, the method comprising:

- (a) inserting the guide tube into the aperture; and
- (b) swaging the guide tube over the flat section of the seat back frame, whereby to secure the guide tube within the aperture.

RECEIVED
MAR - 1 2002
10:00 AM L ROOM

COPY OF PAPERS
ORIGINALLY FILED